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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,953	08/20/2003	Takeshi Nishino	122.1565	4976

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EXAMINER	
DESIR, PIERRE LOUIS	
ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/643,953	NISHINO ET AL.	
	Examiner	Art Unit	
	Pierre-Louis Desir	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,9,10,17,19,20,22-25 and 27-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,9,10,17,19,20,22-24 and 25, 27-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/13/2006 has been entered.

Response to Arguments

2. Applicant's arguments filed on 12/13/2006 have been fully considered but they are not persuasive.

Applicant argues that Nishimoto, Hotta, and Kim, either singularly or in combination fail to disclose, teach, or suggest the features of claim 1 as amended.

Examiner respectfully disagrees. Claim as amended recites, "...control unit determines a direction in which said operational object can be moved on said display screen according to said operation mode, defines the direction in advance in which said operational object can be moved on said display screen, as a current direction in which said pointing device can be operated and has a moving amount adjusting means for moving said operational object by a predetermined step value wherein the control unit outputs a signal to move the operational object in a predetermined manner in the menu representation on the display screen in accordance with a continuous signal from said pointing device for a predetermined time period."

As applied to now cancelled claim 5 in the previous Office action, Examiner indicates that Kim discloses a device (see abstract) wherein the speed of movement of the movable pointer can be adjusted (adjusting means) as a function of whether the variation in the X coordinate values is greater than or less than the variation in the Y coordinate values (see col. 5, line 66 through col. 6, line 2). Furthermore, Kim discloses that the control unit outputs a signal to move the operational object in a predetermined manner in a menu representation on the display screen (i.e., an on-screen pointer speed controller for controlling the speed of movement of the on-screen pointer between icons, according to a predetermined control signal) (see col. 1, line 67 to col. 2, line 9) in accordance with a continuous signal from said pointing device for a predetermined time period (i.e., as it would have been obvious to one skilled in the art, as long as the on-screen pointer is being moved). Thus, the on-screen pointer speed controller inherently adjusts the movement of the pointer by controlling the speed of movement of the on-screen pointer between icons.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the menu" in line 10 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Note: The rejection also applies to all claims that depend on claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 9-10, 17,19-20, 22-25 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimoto, Pub. No. US 20020155857, in view of Hotta et al. (Patent abstract Of Japan Publication Number: 05181603) (cited by Applicants), and Kim, U.S. Patent No. 6765598.

Regarding claim 1, Nishimoto discloses a pointing device that can be operated to move an operational object on a display screen in any 360-degree direction (i.e., the pointer can be set to a desired piece of information by inherently moving the pointer in the direction of that piece information) (see abstract, and paragraph 14), comprising: a control unit for changing an operation mode of said pointing device according to contents displayed on said display screen at the time the pointing device is operated, wherein the control unit determines a direction in which the operational object can be moved on the display screen according to the operation mode, and defines the direction in which the operational object can be moved on the display screen, as a current direction which the pointing device can be operated (i.e., the finger is shifted while it is in contact with the sensor window so as to set the pointer to a desired menu among menus displayed on the LCD. An optical image of the finger, detected by the image sensor, is transmitted to the CPU through an image sensor interface so that, for example, the shifting

direction and the shift distance of finger 30 are found. Based upon the shifting direction and the shift distance of the finger thus found, the CPU shifts the pointer displayed on the LCD through the LCD interface. A proper input key is pressed with the pointer indicating the necessary information to select the corresponding information. Thus, the information is displayed on the LCD. According to the menu displayed on the LCD, when the device is operated, the operational mode of the pointing device is changing relative to the finding of the shifting direction (i.e., determination of the direction in which the operational object (cursor or pointer) can be moved) and the shift distance of the finger (direction of which the pointing device can be operated)) (see page 1, paragraphs 9, 52-53).

Although Nishimoto discloses a device as described, Nishimoto does not specifically disclose a device wherein the control unit defines the direction **in advance** in which said pointing device can be operated, and wherein the control unit has a moving amount adjusting means for moving said operational object by a predetermined step value wherein the control unit outputs a signal to move the operational object in a predetermined manner in a menu representation on the display screen in accordance with a continuous signal from said pointing device for a predetermined time period.

However, Hotta discloses a device comprising precisely shift a cursor on a display in the completely horizontal or vertical direction by operating the cursor while pressing a switch provided on a mouse. The shift extends of a mouse are inputted to a CPU from a horizontal component and a vertical component (see abstract). Thus, the CPU or control unit defines the direction in advance, in which the cursor can be operated. If a switch is pressed under such conditions, the CPU compares the horizontal component with the vertical component and then

changes the smaller component. If the switch is not pressed, the inputted components are sent to the host side as they are. Thus, the extents of the shift of the mouse are inputted in (advance) and depending on whether a switch 15 is pressed, the CPU would compare different components. If not, the inputted components are sent to the host side.

Kim discloses a device (see abstract) wherein the speed of movement of the movable pointer can be adjusted (adjusting means) as a function of whether the variation in the X coordinate values is greater than or less than the variation in the Y coordinate values (see col. 5, line 66 through col. 6, line 2). Furthermore, Kim discloses that the control unit outputs a signal to move the operational object in a predetermined manner in a menu representation on the display screen (i.e., an on-screen pointer speed controller for controlling the speed of movement of the on-screen pointer between icons, according to a predetermined control signal) (see col. 1, line 67 to col. 2, line 9) in accordance with a continuous signal from said pointing device for a predetermined time period (i.e., as it would have been obvious to one skilled in the art, as long as the on-screen pointer is being moved). Thus, the on-screen pointer speed controller inherently adjusts the movement of the pointer by controlling the speed of movement of the on-screen pointer between icons.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a further enhancement as related to ensure the precisely shifting of the cursor on the display (see Hotta's abstract) and to ensure the proper calibration of the pointer.

Regarding claims 9 and 27, Nishimoto discloses a pointing device as described above (see claims 1 and 25 rejection).

Although Nishimoto discloses a pointing device and a telephone as described, the Nishimoto does not specifically disclose a pointing device and a telephone wherein said moving amount adjusting means move said operational object by the predetermined step value when the amount of operation of said pointing device takes the maximum value.

However, Kim discloses a device (see abstract) wherein the speed of movement of the movable pointer can be adjusted (see col. 5, line 66 through col. 6, line 2) wherein the moving the movable pointer at a first speed when the variation in the Y coordinate values is greater than the variation in the X coordinate values (see col. 6, lines 5-8); and the moving the movable pointer at a second speed when the variation in the X coordinate values is greater than the variation in the Y coordinate values, and wherein the second speed is faster than the first speed (see col. 6, lines 9-13. Also refer to col. 1, line 67 to col. 2, line 19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the device as described by Kim to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claims 10 and 28, Nishimoto discloses a pointing device as described above (see claims 1 and 27 rejection).

Although Nishimoto discloses a pointing device and mobile telephone as described, the Nishimoto does not specifically disclose a pointing device and mobile telephone wherein said

moving amount adjusting means move said operational object by the predetermined step value when the amount of operation of said pointing device exceeds a predetermined threshold value.

However, Kim discloses a device (see abstract) wherein the speed of movement of the movable pointer can be adjusted (see col. 5, line 66 through col. 6, line 2) wherein the moving the movable pointer at a first speed when the variation in the Y coordinate values is greater than the variation in the X coordinate values (see col. 6, lines 5-8); and the moving the movable pointer at a second speed when the variation in the X coordinate values is greater than the variation in the Y coordinate values, and wherein the second speed is faster than the first speed (see col. 6, lines 9-13. Also refer to col. 1, line 67 to col. 2, line 19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the device as described by Kim with the characteristics of Nishimoto and Hotta's disclosure to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 17, Nishimoto discloses a mobile telephone comprising a pointing device (see claim 1 rejection, and abstract).

Regarding claim 19, Nishimoto discloses a mobile telephone comprising a pointing device (see claim 1 rejection, and abstract).

Regarding claim 20, Nishimoto discloses a mobile telephone (see claim 17 rejection) wherein said control unit is constituted in a main control unit of said mobile telephone (i.e., CPU) (see fig. 3).

Regarding claim 22, Nishimoto discloses a mobile telephone (see claim 19 rejection) wherein said control unit is constituted in a main control unit of said mobile telephone (i.e., CPU) (see fig. 3).

Regarding claim 23, Nishimoto discloses a method for controlling a pointing device, that can be operated to move an operational object on a display screen in any 360-degree direction (i.e., the pointer can be set to a desired piece of information by inherently moving the pointer in the direction of that piece information) (see abstract, and paragraph 14) comprising the controlling step of: changing an operational mode of said pointing device according to contents displayed on said display screen at the time the pointing device is operated, wherein the control unit determines a direction in which the operational object can be moved on the display screen according to the operation mode, and defines the direction in which the operational object can be moved on the display screen, as a current direction which the pointing device can be operated (see page 1, paragraphs 9, 52-53, and refer to claim 1 reasoning).

Although Nishimoto discloses a method as described, Nishimoto does not specifically disclose a method wherein the control unit defines the direction **in advance** in which said pointing device can be operated, and wherein the control step has a moving amount adjusting means for moving said operational object by a predetermined step value wherein the control unit outputs a signal to move the operational object in a predetermined manner in a menu representation on the display screen in accordance with a continuous signal from said pointing device for a predetermined time period.

However, Hotta discloses a method wherein to precisely shift a cursor on a display in the completely horizontal or vertical direction by operating the cursor while pressing a switch

provided on a mouse. The shift extends of a mouse are inputted t a CPU from a horizontal component and a vertical component (see abstract). Thus, the CPU or control unit defines the direction in advance, in which the cursor can be operated.

Kim discloses a method (see abstract) wherein the speed of movement of the movable pointer can be adjusted (adjusting means) as a function of whether the variation in the X coordinate values is greater than or less than the variation in the Y coordinate values (see col. 5, line 66 through col. 6, line 2). Furthermore, Kim discloses that the control unit outputs a signal to move the operational object in a predetermined manner in a menu representation on the display screen (i.e., an on-screen pointer speed controller for controlling the speed of movement of the on-screen pointer between icons, according to a predetermined control signal) (see col. 1, line 67 to col. 2, line 9) in accordance with a continuous signal from said pointing device for a predetermined time period (i.e., as it would have been obvious to one skilled in the art, as long as the on-screen pointer is being moved). Thus, the on-screen pointer speed controller inherently adjusts the movement of the pointer by controlling the speed of movement of the on-screen pointer between icons.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a further enhancement as related to ensure the precisely shifting of the cursor on the display (see Hotta's abstract) and to ensure the proper calibration of the pointer.

Regarding claim 24, Nishimoto discloses a method as described above (see claim 23 rejection).

Although Nishimoto discloses a method as described above, Nishimoto does not specifically disclose a method wherein the pointing device can be operated to move said operational object at any speed, and wherein said controlling step has the moving amount adjusting step of moving said operational object by a constant step value when said pointing device is operated in a predetermined operational mode.

However, Kim discloses a method for controlling a pointing device (see abstract) wherein the pointing device can be operated to move the operational object at any speed (i.e., the on-screen pointer speed controller controls the on-screen pointer to move between icons of different levels at a speed faster than an initially-set movement speed) (see col. 4, lines 49-51), and wherein said controlling step has the moving amount adjusting step of moving said operational object by a predetermined step value when said pointing device is operated (i.e., the speed of movement of the movable pointer can be adjusted as a function of whether the variation in the X coordinate values is greater than or less than the variation in the Y coordinate values) (see col. 5, line 66 through col. 6, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the characteristics of Nishimoto and Hotta's disclosures to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 25, Nishimoto discloses a mobile telephone (i.e., mobile terminal) (see abstract) comprising a pointing device that can be operated to move an operational object on a display screen in any 360-degree direction (i.e., the pointer can be set to a desired piece of information by inherently moving the pointer in the direction of that piece information) (see

abstract, and paragraph 14), a control unit for changing an operational mode of said pointing device according to contents displayed on said display screen at the time the pointing device is operated, wherein the control unit determines a direction in which the operational object can be moved on the display screen according to the operation mode, and defines the direction in which the operational object can be moved on the display screen, as a current direction which the pointing device can be operated (see page 1, paragraphs 9, 52-53, and refer to claim 1 reasoning).

Although Nishimoto discloses a device as described, Nishimoto does not specifically disclose a device wherein the control unit defines the direction **in advance** in which said pointing device can be operated, and wherein the control unit has a moving amount adjusting means for moving said operational object by a predetermined step value wherein the control unit outputs a signal to move the operational object in a predetermined manner in a menu representation on the display screen in accordance with a continuous signal from said pointing device for a predetermined time period.

However, Hotta discloses a device wherein to precisely shift a cursor on a display in the completely horizontal or vertical direction by operating the cursor while pressing a switch provided on a mouse. The shift extends of a mouse are inputted t a CPU from a horizontal component and a vertical component (see abstract). Thus, the CPU or control unit defines the direction in advance, in which the cursor can be operated.

Kim discloses a device (see abstract) wherein the speed of movement of the movable pointer can be adjusted (adjusting means) as a function of whether the variation in the X coordinate values is greater than or less than the variation in the Y coordinate values (see col. 5,

line 66 through col. 6, line 2). Furthermore, Kim discloses that the control unit outputs a signal to move the operational object in a predetermined manner in a menu representation on the display screen (i.e., an on-screen pointer speed controller for controlling the speed of movement of the on-screen pointer between icons, according to a predetermined control signal) (see col. 1, line 67 to col. 2, line 9) in accordance with a continuous signal from said pointing device for a predetermined time period (i.e., as it would have been obvious to one skilled in the art, as long as the on-screen pointer is being moved). Thus, the on-screen pointer speed controller inherently adjusts the movement of the pointer by controlling the speed of movement of the on-screen pointer between icons.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a further enhancement as related to ensure the precisely shifting of the cursor on the display (see Hotta's abstract) and to ensure the proper calibration of the pointer.

Regarding claim 29, Nishimoto discloses a mobile telephone (see claim 25 rejection) wherein the control unit is constituted in a main control unit of the mobile telephone i.e., CPU) (see figs. 3, 6, 9, 10, 17).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pierre-Louis Desir
03/12/2007

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER